IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

TAKEN UP WRIT PETITION NO : 6146 of 2000

Between:

T.N.Nagaraja Goud.
R/o Dilsukhnagar
Hyderabad

..... PETITIONER

AND

1. The Special Officer,
Gram Panchayat, Gaddi Annaram
Dilsukhanagar. Hyderabad.
2 The Commissioner,
L.B.Nagar Municipality L.B.Nagar, R.R. Dist
3 The District Magistrate and Collector, R.R.District at Hyderabad.
4 The Superintendent of Police, R.R.District at Hyderabad
5 Director General of Police, Govt of A.P, Hyderabad.
6 A.P Building Federation, Himayatnagar, Hyderabad represented by its

Chairman, Sri Ravinder Reddy.
7 The A.P Builders' Association, 'D'Block 5th Floor,
Samrat complex Hyderabad rep. By its Secretary.
8 The Secretary to the Govt of A.P, Municipal Admn.and Urban

Development Dept, Secretariat, Hyderabad.
9 State of A.P rep. By its Principal Secretary to Govt. of A.P.,

Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or a Writ more particulary one in the nature of writ of Mandmaus calling for records and remarks from the respondents herein in and connected to "Granting of Permission to Construct Apartments at Kodandaram Nagar Near Sarada Talkies, Opp: Sri Sai Kirana and General Stores besides Shankaraiah's House, Hyderabad as the place(land) is not fit to construct Apartment as the soil is purely loose and pass appropriate orders for an enquiry in the matter, and save number of families in the interest of Justice.

Counsel for the Petitioner:PETITION

Counsel for the Respondent No.1: Mr.P.Raghavender Reddy

Counsel for the Respondent No.2 to 9: GP FOR GENERAL ADMINISTRATION

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

In this petition registered as taken up public interest litigation, grievance was made as regards granting of permission to construct apartments at Kodandaram Nagar. The basis for the grievance is that the soil is not fit for constructing apartments, since it is purely loose and is likely to pose danger in case heavy construction is raised.

The Special Officer, Gram Panchayat, in the counter affidavit stated that permission was granted to construct one plus two floors residential building vide permission dated 22-11-1999. The owner had dug up the soil to the extent of one metre depth and constructed pillars with cross beams. As per the information, the owner, most probably, intended to construct a cellar in future. Accordingly, notice was issued to the owner to stop work till the matter is cleared up. In the meanwhile, the owner, after receipt of the notice, stopped the construction and ultimately gave an undertaking that the cellar will not be constructed. The Special Officer, Gram Panchayat further states that in view of the loose soil, instructions were issued to the Executive Officer to refer the case to the Executive Engineer, Panchayat Raj or the HUDA for technical opinion as to whether the soil can withstand the load of the proposed construction.

Since respondent No.1 has responded to the petitioner's representation and taken action, no further direction deserves to be issued in this petition. It accordingly stands disposed of.

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DEVINDER GUPTA, CJ

2-8-2004

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C.V.RAMULU, J

Tvr

To

1. The Special Officer,
Gram Panchayat, Gaddi Annaram
Dilsukhanagar. Hyderabad.
2 The Commissioner,
L.B.Nagar Municipality L.B.Nagar, R.R. Dist
3 The District Magistrate and Collector, R.R.District at Hyderabad.
4 The Superintendent of Police, R.R.District at Hyderabad
5 Director General of Police, Govt of A.P, Hyderabad.
6 The Chairman, A.P Building Federation, Himayatnagar, Hyderabad

7 The Secretary, The A.P Builders' Association, 'D'Block 5th Floor,
Samrat complex Hyderabad.
8 The Secretary to the Govt of A.P, Municipal Admn.and Urban

Development Dept, Secretariat, Hyderabad.
9 The Principal Secretary to Govt., State of A.P.,

Secretariat, Hyderabad

10 2 CCs to the Govt. Pleader for GAD, High Court Buildings,

Hyderabad (OUT).

11 2 CD copies.